

brown tree snake into Hawaii from Guam. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventative processes or devices at aircraft and vessel loading facilities on Guam, Hawaii, or intermediate sites serving as transportation points that could result in the introduction of brown tree snakes into Hawaii.

“(c) AUTHORITY.—The Secretary shall use the authority provided under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.) to carry out subsections (a) and (b).”

Pub. L. 102-190, div. A, title III, §348, Dec. 5, 1991, 105 Stat. 1348, provided that: “The Secretary of Defense shall take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes from Guam to Hawaii in aircraft and vessels transporting personnel or cargo for the Department of Defense. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventative processes or devices at aircraft and vessel loading facilities in Guam or Hawaii or at intermediate transit points for personnel or cargo transported between Guam and Hawaii.”

§ 8504. Establishment of quarantine protocols to control the introduction and spread of the brown tree snake

(a) Establishment of quarantine protocols

Not later than two years after October 30, 2004, but subject to the memorandum of agreement required by subsection (b) with respect to Guam, the Secretaries shall establish and cause to be operated at Federal expense a system of pre-departure quarantine protocols for cargo and other items being shipped from Guam and any other United States location where the brown tree snake may become established to prevent the introduction or spread of the brown tree snake. The Secretaries shall establish the quarantine protocols system by regulation. Under the quarantine protocols system, Federal quarantine, natural resource, conservation, and law enforcement officers and inspectors may enforce State and territorial laws regarding the transportation, possession, or introduction of any brown tree snake.

(b) Cooperation and consultation

The activities of the Secretaries under subsection (a) shall be carried out in cooperation with other Federal agencies and the appropriate State and territorial quarantine, natural resource, conservation, and law enforcement officers. In the case of Guam, as a precondition on the establishment of the system of pre-departure quarantine protocols under such subsection, the Secretaries shall enter into a memorandum of agreement with the Government of Guam to obtain the assistance and cooperation of the Government of Guam in establishing the system of pre-departure quarantine protocols.

(c) Implementation

The system of pre-departure quarantine protocols to be established under subsection (a) shall not be implemented until funds are specifically appropriated for that purpose.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section the following amounts:

- (1) To the Secretary of Agriculture, not more than \$3,000,000 for each of the fiscal years 2006 through 2010.

- (2) To the Secretary of the Interior, not more than \$1,000,000 for each of the fiscal years 2006 through 2010.

(Pub. L. 108-384, §5, Oct. 30, 2004, 118 Stat. 2224.)

§ 8505. Treatment of brown tree snakes as non-mailable matter

A brown tree snake constitutes nonmailable matter under section 3015 of title 39.

(Pub. L. 108-384, §6, Oct. 30, 2004, 118 Stat. 2224.)

§ 8506. Role of brown tree snake Technical Working Group

(a) Purpose

The Technical Working Group shall ensure that Federal, State, territorial, and local agency efforts concerning the brown tree snake are coordinated, effective, complementary, and cost-effective.

(b) Specific duties and activities

The Technical Working Group shall be responsible for the following:

- (1) The evaluation of Federal, State, and territorial activities, programs and policies that are likely to cause or promote the introduction or spread of the brown tree snake in the United States or the Freely Associated States and the preparation of recommendations for governmental actions to minimize the risk of introduction or further spread of the brown tree snake.

- (2) The preparation of recommendations for activities, programs, and policies to reduce and eventually eradicate the brown tree snake in Guam or other areas within the United States where the snake may be established and the monitoring of the implementation of those activities, programs, and policies.

- (3) Any revision of the Brown Tree Snake Control Plan, originally published in June 1996, which was prepared to coordinate Federal, State, territorial, and local government efforts to control, interdict, eradicate or conduct research on the brown tree snake.

(c) Reporting requirement

(1) Report

Subject to the availability of appropriations for this purpose, the Technical Working Group shall prepare a report describing—

- (A) the progress made toward a large-scale population reduction or eradication of the brown tree snake in Guam or other sites that are infested by the brown tree snake;

- (B) the interdiction and other activities required to reduce the risk of introduction of the brown tree snake or other nonindigenous snake species in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii, American Samoa, and the Freely Associated States;

- (C) the applied and basic research activities that will lead to improved brown tree snake control, interdiction and eradication efforts conducted by Federal, State, territorial, and local governments; and

- (D) the programs and activities for brown tree snake control, interdiction, research

and eradication that have been funded, implemented, and planned by Federal, State, territorial, and local governments.

(2) Priorities

The Technical Working Group shall include in the report a list of priorities, ranked in high, medium, and low categories, of Federal, State, territorial, and local efforts and programs in the following areas:

- (A) Control.
- (B) Interdiction.
- (C) Research.
- (D) Eradication.

(3) Assessments

Technical Working Group shall include in the report the following assessments:

(A) An assessment of current funding shortfalls and future funding needs to support Federal, State, territorial, and local government efforts to control, interdict, eradicate, or conduct research on the brown tree snake.

(B) An assessment of regulatory limitations that hinder Federal, State, territorial, and local government efforts to control, interdict, eradicate or conduct research on the brown tree snake.

(4) Submission

Subject to the availability of appropriations for this purpose, the Technical Working Group shall submit the report to Congress not later than one year after October 30, 2004.

(d) Meetings

The Technical Working Group shall meet at least annually.

(e) Inclusion of Guam

The Secretaries shall ensure that adequate representation is afforded to the government of Guam in the Technical Working Group.

(f) Support

To the maximum extent practicable, the Secretaries shall make adequate resources available to the Technical Working Group to ensure its efficient and effective operation. The Secretaries may provide staff to assist the Technical Working Group in carrying out its duties and functions.

(g) Authorization of appropriations

There is authorized to be appropriated to each of the Secretaries not more than \$450,000 for each of the fiscal years 2006 through 2010 to carry out this section.

(Pub. L. 108-384, §7, Oct. 30, 2004, 118 Stat. 2224.)

§ 8507. Miscellaneous matters

(a) Availability of appropriated funds

Amounts appropriated under this chapter shall remain available until expended.

(b) Administrative expenses

Of the amounts appropriated to carry out this chapter for a fiscal year, the Secretaries may expend not more than five percent to cover the administrative expenses necessary to carry out this chapter.

(Pub. L. 108-384, §8, Oct. 30, 2004, 118 Stat. 2226.)

CHAPTER 112—BIOMASS RESEARCH AND DEVELOPMENT

§§ 8601 to 8609. Repealed. Pub. L. 110-234, title IX, §9001(b), May 22, 2008, 122 Stat. 1333, and Pub. L. 110-246, §4(a), title IX, §9001(b), June 18, 2008, 122 Stat. 1664, 2095

Section 8601, Pub. L. 106-224, title III, §302, June 20, 2000, 114 Stat. 428, related to Congressional findings on conversion of biomass into biobased industrial products.

Section 8602, Pub. L. 106-224, title III, §303, June 20, 2000, 114 Stat. 429; Pub. L. 109-58, title IX, §941(a), Aug. 8, 2005, 119 Stat. 873, set forth definitions.

Section 8603, Pub. L. 106-224, title III, §304, June 20, 2000, 114 Stat. 430; Pub. L. 109-58, title IX, §941(b), Aug. 8, 2005, 119 Stat. 874, related to cooperation and coordination in biomass research and development. See section 8108 of this title.

Section 8604, Pub. L. 106-224, title III, §305, June 20, 2000, 114 Stat. 431; Pub. L. 109-58, title IX, §941(c), Aug. 8, 2005, 119 Stat. 874, related to Biomass Research and Development Board. See section 8108 of this title.

Section 8605, Pub. L. 106-224, title III, §306, June 20, 2000, 114 Stat. 432; Pub. L. 109-58, title IX, §941(d), Aug. 8, 2005, 119 Stat. 874, related to Biomass Research and Development Technical Advisory Committee. See section 8108 of this title.

Section 8606, Pub. L. 106-224, title III, §307, June 20, 2000, 114 Stat. 433; Pub. L. 107-171, title IX, §9008(a)(1), May 13, 2002, 116 Stat. 483; Pub. L. 108-148, title II, §201(a), Dec. 3, 2003, 117 Stat. 1901; Pub. L. 109-58, title IX, §941(e), Aug. 8, 2005, 119 Stat. 875; Pub. L. 110-140, title II, §232(b), (c), Dec. 19, 2007, 121 Stat. 1537; Pub. L. 110-234, title VII, §7511(c)(33), May 22, 2008, 122 Stat. 1270; Pub. L. 110-246, §4(a), title VII, §7511(c)(33), June 18, 2008, 122 Stat. 1664, 2032, related to Biomass Research and Development Initiative. See section 8108 of this title.

Section 8607, Pub. L. 106-224, title III, §308, June 20, 2000, 114 Stat. 436, related to provision of administrative support. See section 8108 of this title.

Section 8608, Pub. L. 106-224, title III, §309, June 20, 2000, 114 Stat. 437; Pub. L. 109-58, title IX, §941(f), Aug. 8, 2005, 119 Stat. 878, related to reports. See section 8108 of this title.

Section 8609, Pub. L. 106-224, title III, §310, as added Pub. L. 107-171, title IX, §9008(a)(3), May 13, 2002, 116 Stat. 483; amended Pub. L. 108-148, title II, §201(b), Dec. 3, 2003, 117 Stat. 1901; Pub. L. 109-58, title IX, §941(g), Aug. 8, 2005, 119 Stat. 878, related to funding. See section 8108 of this title.

A prior section 310 of Pub. L. 106-224, title III, June 20, 2000, 114 Stat. 437, renumbered section 311 and amended Pub. L. 107-171, title IX, §9008(a)(2), (b), May 13, 2002, 116 Stat. 483, which provided this chapter would terminate Sept. 30, 2007, was repealed by Pub. L. 109-58, title IX, §941(h), Aug. 8, 2005, 119 Stat. 878.

Editorial Note

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this chapter. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246. This chapter was comprised generally of title III (§§301-311) of Pub. L. 106-224, June 20, 2000, 114 Stat. 428, as amended. Title III of Pub. L. 106-224 was formerly set out as a note under section 8101 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal of this chapter and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.